

MEETING MINUTES
Board of Mental Health Practice
November 7, 2014

These minutes were approved by
the Board on January 9, 2015.

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Tom Maxson, at 9:02 a.m. in the Conference Room, Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

Members Present:	Dale Battleson	-	Vice-Chair
	William Gaughan	-	Member
	Thomas Maxson	-	Chair
	Susan Meyerle	-	Member
	Alison Reisbig	-	Member
	Sarita Ruma	-	Member
	Shari Schnuelle	-	Member
Members Absent:	Susan Feyen,	-	Secretary
	Mike Kinney	-	Member
Others Present:	Kris Chiles	-	Program Manager, Licensure Unit
	Julie Agena	-	Assistant Attorney General
	Anna Harrison	-	Compliance Monitor, Licensure Unit
	Barb Remmers	-	Investigator
	Nancy Herdman	-	Health Licensing Coordinator, Licensure Unit

A quorum was present and the meeting convened.

Maxson announced that Kinney was not in attendance today because his daughter-in-law had passed away. Members expressed their sympathy.

2. ADOPTION OF AGENDA

MOTION: Gaughan moved, seconded by Reisbig, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: Feyen, Kinney (2). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (9-18-14)

Meyerle commented that some of the content summarized under agenda item 8c belonged under agenda item 9 and requested it be moved to that section.

MOTION: Meyerle moved, seconded by Reisbig, to approve the minutes of 9-18-14 with corrections. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: Feyen, Kinney (2). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS AND OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Meyerle moved, seconded by Gaughan, to enter into closed session at 9:08 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: Feyen, Kinney (2). Motion carried.

9:31 a.m.	-	Battleson departed meeting (conflict)
9:44 a.m.	-	Battleson entered meeting
9:50 a.m.	-	Maxson departed meeting (conflict)
9:54 a.m.	-	Maxson entered meeting

10:00 a.m. - Remmers departed meeting
10:44 p.m. - Meyerle departed meeting

MOTION: Battleson moved, seconded by Ruma, to enter into open session at 10:44 a.m. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Reisbig, Ruma, Schnuelle (6). Voting nay: None (0). Absent: Feyen, Kinney, Meyerle (3). Motion carried.

10:44 a.m. - Break
Harrison departed meeting
10:55 a.m. - Meeting resumed
Meyerle entered meeting
Roger Brink, Department attorney, entered meeting

5. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications and Reinstatements

Licensed Mental Health Practitioner (LMHP), Certified Professional Counselor (CPC) and Provisional Mental Health Practitioner (PLMHP)

Frank Bailey – LMHP & CPC

MOTION: Meyerle moved, seconded by Schnuelle, to recommend approval of the LMHP and PCP application. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: None (0). Absent: Feyen, Kinney (2). Motion carried.

Shanda McClain - PLMHP

MOTION: Meyerle moved, seconded by Schnuelle, to recommend approval of the PLMHP application. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: None (0). Absent: Feyen, Kinney (2). Motion carried.

John Bergin - PLMHP

MOTION: Meyerle moved, seconded by Ruma, to recommend approval of the PLMHP application and assessment of an Administrative Penalty for the days the applicant used the title 'social worker' when he held no credential. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: None (0). Absent: Feyen, Kinney (2). Motion carried.

Earl Brown - LMHP

MOTION: Meyerle moved, seconded by Reisbig, to recommend approval the LMHP application. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: None (0). Absent: Feyen, Kinney (2). Motion carried.

Chiles reported that two applications were received (Brea Banks and Kenya Makhiawala) for a PLMHP in which both applicants were enrolled in a psychology doctorate program at the University of Oregon. Both applicants went from a bachelor's degree to a doctorate program with no master's degree awarded. The Board members discussed that the regulations state that an applicant must have a master or doctorate degree to qualify for licensure.

MOTION: Meyerle moved, seconded by Reisbig, to deny issuance of PLMHP to Brea Banks and Kenya Makhiawala based on not having a master or doctorate degree. A roll call vote was taken. Voting aye: Battleson, Gaughan, Maxson, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: None (0). Absent: Feyen, Kinney (2). Motion carried.

11:06 a.m. - Agena departed meeting

6. UNFINISHED BUSINESS

a. Jurisprudence Examination

Meyerle stated she had talked to Patty at NBCC about developing a jurisprudence examination for Nebraska. There would be no cost to the Board but there would be a cost to any individual who took the examination. The cost per examinee would be determined based on number tested but if less than 20 individuals a year, it would be about \$120.00 per examination. NBCC handles all of the administration details, maintains the examination and the records, and would issue the examination results. If a person misses a question, the software would refer them back to the statutes. Chiles asked if the examination would be used for probation. Meyerle responded that was the initial discussion but some states give an examination at renewal and doing that would lower the cost because there would be more examinations administered. Members discussed the option of having school faculty develop questions. Maxson stated the purpose was not to financially impact individuals and he was not in favor of using NBCC because of the cost.

Meyerle asked who would be monitoring the jurisprudence examination process and Chiles responded that the compliance monitor would if taking the examination for a probation condition. Brink referred to the statutes which states that testing can be used to meet the continuing competence requirement for renewal. The members discussed taking the examination for CEUs for renewal. Meyerle stated the options seemed to be 1) use NBCC examination for discipline and renewal, 2) use NBCC examination for discipline only, or 3) develop own jurisprudence examination and give thru survey monkey. Chiles stated other boards use the jurisprudent examination as follows:

Massage Therapy – For those applying via reciprocity.

Psychology Board – For initial licensure.

Funeral Directing and Embalming – For initial and for renewal (must take once every ten years for renewal but many take every renewal for CEU hours).

Chiles stated for jurisprudence examinations that are given via survey monkey that there were no costs to the individual testing but there were costs to the Department for staff time to grade the examinations and for notifying the individual of his/her results. She commented that she would be checking into costs that would include the system grading the examination and issuing the certificate of completion. Maxson commented he was in favor of offering CEU credit for taking the jurisprudence examination and felt the hours should be able to count towards the ethic CEUs. Meyerle stated she would like it used for initial applicants and Chiles responded that would require a regulation change. The members discussed using the examination for CEUs but noted that some of the exam questions would need to be revised as some were based on proposed regulations that had not been promulgated. Ruma suggested that if individuals took the examination, they might understand the regulations better and maybe there would be fewer complaints. The Board decided that a Board developed jurisprudence examination would be used and licensees would have the option to take it for 2 hours of CEUs. The next step is that the committee will write more questions to replace those based on the proposed regulations with the hope of having another draft of the examination by the next meeting.

b. Status of Regulation 172 NAC 94

Brink commented that the regulations had not gone to the Attorney General's Office.

c. Other

There was nothing to report.

7. NEW BUSINESS

a. Correspondence

Meyerle commented she had been contacted by Nancy Hicks of the Lincoln Journal Star in October asking for an update on the regulations. Hicks told Meyerle that she would be monitoring the regulations.

Telepractice Discussion

Meyerle stated that she felt there needed to be some discussion on telepractice with either something placed in the regulations or the creation of a best practices document. She stated she has participated in conversations on this topic with ASWB. She suggested looking at other states, the nursing compact, etc. to see if or how they address it. Chiles commented that questions on this topic had become more prevalent and she referred individuals to the telehealth regulations and national associations. Maxson questioned whether it was the Board's job to translate beyond what was in the regulations. Meyerle suggested that it could be a guidance document to assist licensees. She stated security of the data was the biggest risk and she saw this as a public protection issue. Maxson raised the question of whether the Board wanted to educate or regulate. The Board agreed to start with education such as a newsletter or article on the website. Meyerle agreed to write an article for the website. Battleson suggested developing a white paper if there were a lot of questions. Developing a sub-committee was suggested and Battleson indicated he would agree to be on it.

12:17 p.m. - Break
12:35 p.m. - Meeting resumed

b. Applied Behavioral Analyst Update

Meyerle reported that states around us were licensing applied behavioral analysts which may not fit Nebraska. It was discussed that applied behavioral analysts went through the 407 process but nothing move forward. Meyerle commented that several years ago rehabilitation counselors came to the Board and asked if they would be accepted but they did not seem similar. She stated CORE has now developed a clinical and non-clinical track and has reached an agreement with ACA. Meyerle stated these individuals may come to the Board via reciprocity but not have met similar standards.

Meyerle reported that there was a Sarah who had a website and was advertising naked therapy but Sarah said it was not mental health services. Brink read the statutes and stated even if she said she was not doing mental health that does not mean she was not.

c. Select 2015 Meeting Dates

The Board selected the following meeting dates for 2015:

1-9-15
3-13-15
5-1-15
7-10-15
9-11-15
11-13-15

d. Other

Chiles asked the Board to review the Conviction Review Guidelines for further discussion at the January meeting.

8. UPDATES AND REPORTS

a. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health Committee

AASCB

Meyerle reported the annual meeting is January 8-10, 2015 in Savannah, Georgia. She said AASCB was looking at consistency across states of licensing requirements and defining counseling. Meyerle reported she attended the NBCC meeting in August and the recommendation was to adopt CACREP by 2017. She stated she had been approached by NBCC to run for president of AASCB, a three year commitment, which she was considering.

Meyerle requested funding to attend the AASCB Annual Meeting.

MOTION: Schnuelle moved, seconded by Ruma. to approve expending funds for Meyerle to attend the AASCB Annual Meeting. Voting aye: Battleson, Gaughan, Maxson, Reisbig, Ruma, Schnuelle (6). Voting nay: None (0). Abstain: Meyerle (1). Absent: Feyen, Kinney (2). Motion carried.

AMFTRB

Meyerle reported she attended their last meeting and the focus was on telehealth.

ASWB

Meyerle reported there is continued discussion on a national credential for social work and ASWB is seeking agreement across the states on standards. She stated she will be meeting with other regional states to discuss the standards and portability. Meyerle commented that ASWB gets their funds through examination fees. She said ASWB met with NBCC and AASCB about where the organizations were going. She stated AASCB relied on NBCC to offset meeting costs and maintaining viability of AASCB was a challenge. Meyerle commented that advocacy was different among the three groups.

Citizen Advocacy Center

Meyerle reported she attended the October meeting and the focus was on telepractice.

Justice Behavioral Health Committee

Maxson stated the Committee had not met.

b. Disciplinary/Non-Disciplinary Report / Licensure Statistics / Administrative Penalty Fees Assessed

Chiles reported that she had forwarded the discipline information.

Chiles reported the following statistics:

- Examination information since the September meeting:
 - 1 individual passed the NCE examination.
 - 11 individuals passed the ASWB examination and 5 were not successful.
 - A listing of those who passed the examinations and school attended was distributed.

- Licensing statistics:

LIMHP	1164
MFT	87
MSW	833
CMSW	25
LMHP	2481
CPC	999
PMSW	186
PLMHP	965
SW	507

- LADC/PLADC who also hold a mental health credential:

LIMPH	272
MFT	8
MSW	65
LMHP	429
PCP	219
PMSW	7
PLMHP	116
CSW	6

Meyerle asked why an individual would need a LADC. Maxson responded that it was a verification of competence in that area and that referral sources seek out the specialty label. Chiles commented that when the gambling counselors went through the 407 process, Dr. Schaefer had suggested researching an addiction category.

c. Other

Chiles commented that a 407 application had been submitted seeking prescribing rights for psychologists.

Maxson thanked Brink for all his work and his excellent guidance. Brink stated he appreciated working with the Board and particularly with the regulations.

Maxson read an e-mail from Kinney as he was not able to attend his last meeting today. Kinney was thanked for his service.

A question was asked about filling Board vacancies and Chiles stated that the Board of Health would meet this month and hopefully vacancies would be filled.

10. ADJOURNMENT

Maxson adjourned the meeting of the Board of Mental Health Practice at 1:29 p.m.

Respectfully Submitted,

Susan Feyen, Secretary
Board of Mental Health Practice

Next Meeting: January 9, 2015

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit